

Sixth Appellate District

San Jose, California

TUESDAY, FEBRUARY 21, 2006

H028928 PEOPLE v. GOMEZ

The judgment is affirmed. (not published)
(Premo, Acting P.J.; We concur: Bamattre-Manoukian, J., Duffy,
J.)
Filed February 21, 2006

The Court met in its courtroom at 333 West Santa Clara
Street, Suite 1060, San Jose, California. Present: Premo, Acting
P.J.; Elia, J.; Bamattre-Manoukian, J.; and Beth Miller, Deputy
Clerk.

H028311 PEOPLE v. ROTROFF

Cause called and argued by Gordon B. Scott appearing for
Appellant and by Moona Nandi, Deputy Attorney General, appearing
for Respondent. Cause ordered submitted.

H028582 PEOPLE v. ROTROFF

Cause called and argued by Gordon B. Scott appearing for
Appellant and by Moona Nandi, Deputy Attorney General, appearing
for Respondent. Cause ordered submitted.

Elia, J. leaves the bench and Duffy, J. takes the bench.

H028922 D.F.C.S v. J.H.

Cause called and argued by Stuart Fishman appearing for
Appellant and by Arleen V. Rozul, Deputy County Counsel,
appearing for Respondent, and Robert J. Masterson, Deputy
District Attorney, appearing for minor. Cause ordered submitted.

Premo, Acting P.J. leaves the bench and Elia, Acting P.J. takes
the bench.

H028566 ARNOLD-LAZAR v. GROS DE MANGE

Cause called and argued by Bradford Baugh appearing for
Appellant and by Robert J. Hoover appearing for Respondent.
Cause ordered submitted.

H028864 BRANCIFORTE HEIGHTS, LLC v. CITY OF SANTA CRUZ, et al.

Cause called and argued by John G. Barisone appearing for
Appellants and by Edward L. Chun appearing for Respondent. Cause
ordered submitted.

The court is in recess until the 1:30 p.m. calendar.

Sixth Appellate District

San Jose, California

Tuesday, February 21, 2006 (continued)

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Mihara, Acting P.J.; McAdams, J.; Duffy, J.; and W. Magsaysay, Deputy Clerk.

H028692 PEOPLE v. DANIEL M.

Cause called and argued by Jill Fordyce appearing for Appellant and by Michael Banister, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H028321 PEOPLE v. STEVEN L.

Cause called and argued by Jonathan Grossman appearing for Appellant and by Christopher Grove, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H027959 PEOPLE v. RODRIGUEZ

Cause is called. Patricia Littlefield, counsel for Appellant, is not available per letter by legal assistant transmitted by fax delivery to the court earlier this day. Rene A. Chacon, Deputy Attorney General, appearing for Respondent, is not present, having been notified by the court that his presence would not be required. Cause is ordered submitted at this time.

Court adjourns.

H028334 In re SAMBLE on Habeas Corpus

The case is remanded to the trial court to modify its order granting Samble's petition for habeas corpus and remanding the matter to the Board to reconsider its decision and to conduct a new hearing to reconsider Samble's suitability for parole, using, without restriction, the factors deemed appropriate by the relevant statutes and regulations and in accordance with the requirements of due process. As so modified, the order is affirmed. (not published)

(Elia, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed February 21, 2006

WEDNESDAY, FEBRUARY 22, 2006

H028858 PEOPLE v. BIRHANIE

The judgment is affirmed. (not published)

(Premo, Acting P.J.; We concur: Elia, J., Bamattre-Manoukian, J.)

Filed February 22, 2006

Sixth Appellate District

San Jose, California

Wednesday, February 22, 2006 (continued)

H027670 AUTHORITY FOR CALIFORNIA CITIES EXCESS LIABILITY v. CITY OF LOS ALTOS

The judgment is affirmed. (published)
(Mihara, Acting P.J.; We concur: McAdams, J., Duffy, J.)
Filed February 22, 2006

IN THE MATTER OF THE DESTRUCTION OF COURT RECORDS

By The Court:

This court having been advised by the State Records Center that certain criminal and juvenile records preserved for a period longer than 20 years are eligible for destruction as provided by rule 70(c) of the California Rules of Court, and good cause appearing, it is hereby ordered that said records designated in Records Transfer List 2 be scheduled for destruction.

Dated February 22, 2006

RUSHING, P.J.

IN THE MATTER OF THE DESTRUCTION OF COURT RECORDS

By The Court:

This court having been advised by the State Records Center that certain civil records preserved for a period longer than 10 years are eligible for destruction as provided by rule 70(c) of the California Rules of Court, and good cause appearing, it is hereby ordered that said civil records designated in Records Transfer Lists 46, 47, 51, and 52, as well as box 70 of Record Transfer List 38 and boxes 27, 41, and 51 of Records Transfer List 44 be scheduled for destruction.

Dated February 22, 2006

RUSHING, P.J.

H028008 WAKEFIELD v. BOHLIN, et al.

The request for publication of the opinion filed in the above entitled action by Stephen H. Bennett on February 15, 2006, is denied. The opinion does not establish a new rule of law, nor does it meet any of the other criteria set forth in California Rules of Court, rule 976(c).

In compliance with California Rules of Court, rule 978, the Clerk shall transmit the request for publication and a copy of this order to the Supreme Court.

(Elia, Acting P.J.; Mihara, J., and McAdams, J. participated in this decision.)

Filed February 22, 2006

ELIA, ACTING P.J.

Sixth Appellate District

San Jose, California

THURSDAY, FEBRUARY 23, 2006

H028707 PEOPLE v. ANDAZOLA, JR.

The order revoking outpatient status is affirmed. (not published)

(Premo, Acting P.J.; We concur: Elia, J., Bamattre-Manoukian, J.)
Filed February 23, 2006

H028830 VERNON v. MCBURNEY

By the Court:

The order of submission filed December 6, 2005, is vacated, and the matter is ordered resubmitted upon the filing of the augmented record.

Dated: February 23, 2006 RUSHING, P.J.

H028900 PEOPLE v. HENDERSON

The judgment is affirmed. (not published)

(Premo, Acting P.J.; We concur: Elia, J., Bamattre-Manoukian, J.)
Filed February 23, 2006

H027611 OTTEN v. APPLE COMPUTER, INC.

The order granting plaintiff's motion to tax costs is affirmed. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed February 23, 2006

H027033 OTTEN v. APPLE COMPUTER, INC.

The judgment is affirmed. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed February 23, 2006

H029046 PEOPLE v. OLSEN

The judgment is affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: McAdams, J., Duffy, J.)

Filed February 23, 2006

H029072 In re ISRAEL A., et al.; SANTA CRUZ HRA v. CLAUDIA R.

By the Court*:

Appellant's petition for rehearing is denied.

Filed: February 23, 2006

*Before Bamattre-Manoukian, Acting P.J., McAdams, J. and Duffy, J.

H027398 PEOPLE v. SYKES

The judgment is reversed. (not published)

(Elia, Acting P.J.; We concur: Mihara, J., McAdams, J.)
Filed February 23, 2006

Sixth Appellate District

San Jose, California

Thursday, February 23, 2006 (continued)

H028922 In re N.S.; DFCS v. J.H.

The order sustaining the section 387 petition is affirmed.
(not published)
(Bamattre-Manoukian, J.; We concur: Premo, Acting P.J., Duffy,
J.)

Filed February 23, 2006

FRIDAY, FEBRUARY 24, 2006

H029626 DAVID G. v. SUPERIOR COURT (DFCS)

The petition for extraordinary writ is denied. (not
published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed February 24, 2006

H026042 PEOPLE v. LEON

The judgment is reversed, and the matter remanded to the
trial court for a restitution fine hearing in accordance with
former Government Code section 13967. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed February 24, 2006

H028978 In re VICTOR S.; SAN BENITO HHS v. ADRIANA C.

The order appealed from is affirmed. (not published)

(Rushing, P.J.; We concur: Mihara, J., McAdams, J.)

Filed February 24, 2006

H026898 PEOPLE v. PULIZZI

The judgment is affirmed. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed February 24, 2006